

REMARKS

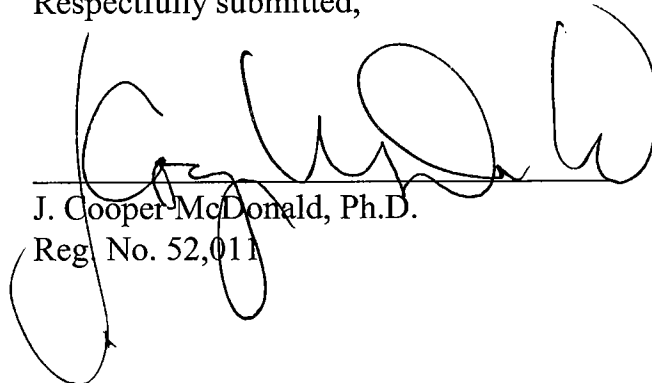
Appellants have amended claims 1, 12, 17, and 22 as suggested by the Office in the action mailed August 20, 2008. In particular, claims 1, 12, and 22 have been amended to state explicitly that the mammal treated is “in need thereof.” This amendment is in response to a rejection under 35 U.S.C. § 112, second paragraph first made on page 10 of the action mailed August 20, 2008. In addition, claims 17 and 22 have been amended to specify that EHNA is an acronym for erythro-9-(2-hydroxy-3-nonyl)adenine, as requested by the Office on page 6 of the Action. No new matter has been added.

Entry of the amendment is allowed under 37 C.F.R. § 41.33(a) as no brief under 37 C.F.R. § 41.37 has yet been submitted. As stated in 37 C.F.R. § 41.33(a), amendments may be admitted as provided in 37 C.F.R. § 1.116. Entry of this amendment is proper as the amendments comply “with [a] requirement of form expressly set forth in a previous Office action” and further “present rejected claims in be form for consideration on appeal...” (37 C.F.R. § 1.116(b)(1)-(2)). Here, the amendment to claims 1, 12, and 22 to include “in need thereof” obviates one ground of rejection and therefore presents the claims in better form for appeal. The amendment to claims 17 and 22 including the name of EHNA addresses a requirement of form. Accordingly, entry of the amendment is respectfully requested.

Enclosed is a petition to extend the period for filing a brief for five months. If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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